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of this section by .75 for a student pursuing his or her program three-quarter time;

(iv) VA will multiply the monthly rate determined by paragraph (e)(2)(i) of this section by .5 for a student pursuing his or her program half time; and

(v) VA will multiply the monthly rate determined by paragraph (e)(2)(i) of this section by .25 for a student pursuing his or her program less than one-half time.

(3) For a veteran pursuing cooperative training VA will multiply the rate determined by paragraph (e)(2)(i) of this section by .8 for training received before October 9, 1996.

(4) For a veteran pursuing a program of apprenticeship or other on-job training VA will multiply the monthly rate determined by paragraph (e)(2)(i) of this section

(i) By .75 for a veteran in the first six months of pursuit of training,

(ii) By .55 for a veteran in the second six months of pursuit of training, and

(iii) By .35 for a veteran in the remaining months of pursuit of training.

(Authority: 38 U.S.C. 3015(e))

(g) *Increase ("kicker") in basic educational assistance rates payable for service in the Selected Reserve.* (1) The Secretary of the military department concerned may increase the amount of basic educational assistance payable under paragraph (b), (c), (d), (e), or (f) of this section, as appropriate. The increase ("kicker") is payable to a veteran who has a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, or, in the case of critical units, retain personnel, if the veteran:

(i) Establishes eligibility for educational assistance under § 21.7042(a) or § 21.7045; and

(ii) Meets the criteria of § 21.7540(a)(1) with respect to service in the Selected Reserve.

(2) The Secretary of the military department concerned—

(i) Will, for such an increase ("kicker"), set an amount of the increase ("kicker") for full-time training, but the increase ("kicker") may not exceed \$350 per month; and

(ii) May set the amount of the increase ("kicker") payable, for a veteran pursuing a program of education less than full time or pursuing a program of apprenticeship or other on-job training, at an amount less than the amount described in paragraph (g)(2)(i) of this section.

(Authority: 10 U.S.C. 16131(i)(2))

[55 FR 28386, July 11, 1990, as amended at 55 FR 50324, Dec. 6, 1990; 56 FR 20135, May 2, 1991; 57 FR 11911, Apr. 8, 1992; 57 FR 57103, Dec. 3, 1992; 59 FR 24053, May 10, 1994; 61 FR 6788, Feb. 22, 1996; 61 FR 15191, Apr. 5, 1996; 61 FR 24237, May 14, 1996; 62 FR 14824, Mar. 28, 1997; 62 FR 55519, Oct. 27, 1997; 62 FR 58655, Oct. 30, 1997]

§ 21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. ch. 34.

(a) *Minimum rates.* (1) Except as elsewhere provided in this section, the monthly rate of basic educational assistance for training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$627.85	\$663.85	\$694.85	\$16.00
¾ time	471.39	497.89	521.39	12.00
½ time	313.93	331.93	347.43	8.50
Less than ½ but more than ¼ time	313.93	313.93	313.93	0.00
¼ time or less	156.96	156.96	156.96	0.00

(Authority: 38 U.S.C. 3015(e), (f), and (g))

(2) For veterans pursuing apprenticeship or other on-job training, the

monthly rate of basic educational assistance for training that occurs after September 30, 1997, and before October

1, 1998, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$432.64	\$445.01	\$455.89	\$5.25
2nd six months of pursuit of program	298.29	307.64	315.34	3.85
3rd six months of pursuit of program	177.75	183.87	188.60	2.45
Remaining pursuit of program	165.85	171.62	176.87	2.45

(Authority: 38 U.S.C. 3015(e), (f), (g))

(3) The monthly rate payable to a veteran who is pursuing a cooperative

course is the rate stated in the following table:

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Oct. 9, 1996–Sept. 30, 1997	\$579.87	\$605.37	\$629.87	\$11.50
On or after Oct. 1, 1997	591.85	617.35	641.85	11.50

(Authority: 38 U.S.C. 3015)

(b) *Less than one-half-time training.* Except as provided in paragraphs (d) and (e) of this section, the monthly rate for a veteran who is pursuing a course on a less than one-half-time basis is the lesser of:

(1) The monthly rate in paragraph (a)(1) of this section, or

(2) The monthly rate of the cost of the course.

(Authority: 38 U.S.C. 3032; Pub. L. 98-525, Pub. L. 99-576)

(c) *Rates for servicemembers.* The monthly rate of educational assistance for a servicemember may not exceed the lesser of the following rates (except as provided in paragraph (d) of this section):

(1) The monthly pro-rated cost of the course.

(2) The following monthly rates for training that occurs after September 30, 1997, and before October 1, 1998—

(i) \$627.85 for full-time training,

(ii) \$471.39 for three-quarter-time training,

(iii) \$313.93 for one-half time training and training that is less than one-half, but more than one-quarter-time training, and

(iv) \$156.96 for one-quarter-time training.

(Authority: 38 U.S.C. 3015(d), 3015(f))

(d) *Increase in basic educational assistance rates (“kicker”).* The Secretary concerned may increase the amount of basic educational assistance payable to an individual who has a skill or specialty which the Secretary concerned designates as having a critical shortage of personnel or for which it is difficult to recruit. The increase may not be applied to a servicemember whose monthly rate is determined by paragraph (c)(1) of this section, but it can serve to raise the ceiling on monthly rates stated in paragraphs (b)(1) and (c)(2) of this section. The amount of the increase is set by the Secretary concerned, but—

(1) For individuals, other than those pursuing cooperative training before October 9, 1996, or apprenticeship or other on-job training, it may not exceed:

(i) \$400 per month for full-time training,

(ii) \$300 per month for three-quarter-time training.

(iii) \$200 per month for one-half-time training or for training which is less than one-half but more than one-quarter-time, or

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(iv) \$100 per month for one-quarter-time training or less.

(2) For individuals pursuing an apprenticeship or other on-job training it may not exceed—

(i) \$300 per month for the first six months of training.

(ii) \$220 per month for the second six months of training, and

(iii) \$140 per month for the remaining months of training.

(Authority: 38 U.S.C. 3015, 3032)

(3) For individuals pursuing cooperative training, it may not exceed \$320 per month for training received before October 9, 1996.

(Authority: Sec. 108(a)(2), Pub. L. 100-689, 102 Stat. 4170; sec. 5(a), Pub. L. 102-83, 105 Stat. 406)

(e) *Increase ("kicker") in basic educational assistance rates for service in the Selected Reserve.* (1) The Secretary of the military department concerned may increase the amount of basic educational assistance payable under paragraph (a), (b), or (d) of this section, as appropriate. The increase ("kicker") is payable to a veteran who has a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, or, in the case of critical units, retain personnel, if the veteran:

(i) Establishes eligibility for educational assistance under § 21.7044(a); and

(ii) Meets the criteria of § 21.7540(a)(1) with respect to service in the Selected Reserve.

(2) The Secretary of the military department concerned—

(i) Will, for such an increase, set the amount of the increase ("kicker") payable for full-time training, but the increase ("kicker") may not exceed \$350 per month;

(ii) May set the amount of the "kicker" payable, for a veteran pursuing a program of education less than full time or pursuing an apprenticeship or other on-job training, at an amount less than the amount described in paragraph (e)(2)(i) of this section.

(Authority: 10 U.S.C. 16131(i)(2))

(f) *Concurrent benefits.* VA may pay additional educational assistance to a veteran for a dependent concurrently

with additional pension or compensation for the same dependent.

(Authority: 38 U.S.C. 3015(d), Pub. L. 98-525)

(g) *Two veteran cases.* VA may pay additional educational assistance to a veteran for a spouse who is also a veteran. This will not bar the payment of additional educational assistance or subsistence allowance under § 21.260 of this part to the spouse for the veteran. If the veteran is paid additional educational assistance for a child, that will not bar payment of additional educational assistance or subsistence allowance under § 21.260 of this part to the spouse for the same child.

(Authority: 38 U.S.C. 3015(d); Pub. L. 98-525)

[53 FR 1757, Jan. 22, 1988, as amended at 54 34987, Aug. 23, 1989; 55 FR 28387, July 11, 1990; 56 FR 20135, May 2, 1991; 56 FR 31332, July 10, 1991; 57 FR 11911, Apr. 8, 1992; 57 FR 57104, Dec. 3, 1992; 61 FR 6789, Feb. 22, 1996; 61 FR 15191, Apr. 5, 1996; 61 FR 24237, May 14, 1996; 62 FR 14825, Mar. 28, 1997; 62 FR 55519, Oct. 27, 1997; 62 FR 58655, Oct. 30, 1997]

§ 21.7138 Rates of supplemental educational assistance.

In addition to basic educational assistance, a veteran or servicemember who is eligible for supplemental educational assistance and entitled to it shall be paid supplemental educational assistance at the rate described in this section unless a lesser rate is required by § 21.7139 of this part.

(a) *Rates for veterans.* (1) Except for a veteran pursuing apprenticeship or other on-job training, the rate of supplemental educational assistance payable to a veteran is at least the rate stated in this table.

TRAINING	MONTHLY RATE
Full time	\$300.
¾ time	225.
½ time	150.
Less than ½ but more than ¼ time.	150 See paragraph (c).
¼ time or less	75 See paragraph (c).
Cooperative	240.

(Authority: 38 U.S.C. 3015(d), 3022, 3032(d); Pub. L. 98-525, Pub. L. 100-689) (Jan. 1, 1989)

(2) For a veteran pursuing apprenticeship or other on-job training the rate of supplemental educational assistance payable to a veteran is as provided in this table.